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FILED  
STATE OF CALIFORNIA  
PHYSICAL THERAPY-BOARD OF CALIFORNIA  
SACRAMENTO, CA 11/03/2011  
BY CMetz ANALYST

8  
9 **BEFORE THE**  
10 **PHYSICAL THERAPY BOARD OF CALIFORNIA**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 1D-2009-67726

14 **VICTOR RUSENESCU, P.T.**  
15 **1318 N Hollydale Dr.**  
**Fullerton, CA 92831**

**ACCUSATION**

16 **Physical Therapist License No. PT 34018**

17 Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

21 1. Rebecca Marco (hereinafter "Complainant") brings this Accusation solely in her  
22 official capacity as Executive Officer of the Physical Therapy Board of California, Department of  
23 Consumer Affairs.

24 2. On or about September 21, 2007, the Physical Therapy Board of California issued  
25 Physical Therapist License Number PT 34018 to Victor Rusenescu, P.T. (hereinafter  
26 "Respondent"). The Physical Therapist License was in full force and effect at all times relevant  
27 to the charges brought herein and will expire on October 31, 2012, unless renewed.

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**JURISDICTION**

3. This Accusation is brought before the Physical Therapy Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2609 of the Code states:

"The board shall issue, suspend, and revoke licenses and approvals to practice physical therapy as provided in this chapter."

5. Section 2660 of the Code states, in pertinent part:

"The board may, after the conduct of appropriate proceedings under the Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose probationary conditions upon any license, License, or approval issued under this chapter for unprofessional conduct that includes, but is not limited to, one or any combination of the following causes:

". . . .

"(h) Conviction of a violation of any of the provisions of this chapter or of the Medical Practice Act, or violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, conspiring to violate any provision or term of this chapter or of the Medical Practice Act."

". . . ."

6. Section 2234 of the Code provides that the Medical Board of California "shall take action against any licensee who is charged with unprofessional conduct."

7. Unprofessional conduct under Business and Professions Code section 2234 includes conduct which breaches the rules or ethical code of the profession, or conduct which is unbecoming to a member in good standing of the profession, and which demonstrates an unfitness to practice the profession. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564, 575.)

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1           8.     Section 2661.5 of the Code states:

2           “(a) In any order issued in resolution of a disciplinary proceeding before the  
3 board, the board may request the administrative law judge to direct any licensee  
4 found guilty of unprofessional conduct to pay to the board a sum not to exceed the  
5 actual and reasonable costs of the investigation and prosecution of the case.

6           “(b) The costs to be assessed shall be fixed by the administrative law judge and  
7 shall not in any event be increased by the board. When the board does not adopt a  
8 proposed decision and remands the case to an administrative law judge, the  
9 administrative law judge shall not increase the amount of the assessed costs specified  
10 in the proposed decision.

11           “(c) When the payment directed in an order for payment of costs is not made  
12 by the licensee, the board may enforce the order of payment by bringing an action in  
13 any appropriate court. This right of enforcement shall be in addition to any other  
14 rights the board may have as to any licensee directed to pay costs.

15           “(d) In any judicial action for the recovery of costs, proof of the board's  
16 decision shall be conclusive proof of the validity of the order of payment and the  
17 terms for payment.

18           “(e)       (1) Except as provided in paragraph (2), the board shall not  
19 renew or reinstate the license or approval of any person who has failed to  
20 pay all of the costs ordered under this section.

21                   “(2) Notwithstanding paragraph (1), the board may, in its  
22 discretion, conditionally renew or reinstate for a maximum of one year  
23 the license or approval of any person who demonstrates financial  
24 hardship and who enters into a formal agreement with the board to  
25 reimburse the board within that one year period for those unpaid costs.

26           “(f) All costs recovered under this section shall be deposited in the Physical  
27 Therapy Fund as a reimbursement in either the fiscal year in which the costs are  
28 actually recovered or the previous fiscal year, as the board may direct.”

1 **CAUSE FOR DISCIPLINE**

2 (General Unprofessional Conduct)

3 9. Respondent has subjected his Physical Therapy License No. PT 34108 to  
4 disciplinary action under sections 2660 and 2234 of the Code in that he has engaged in conduct  
5 which breaches the rules or ethical code of the physical therapy profession, or conduct which is  
6 unbecoming to a member in good standing of the physical therapy profession, and which  
7 demonstrates an unfitness to practice physical therapy, as more particularly described hereinafter:  
8 The circumstances are as follows:

9 A. In or about July, 2008, patient K.W., an adult female, started physical  
10 therapy treatments with respondent for a neck injury at S.J. Center for Rehabilitation  
11 and Wellness in Brea, California. Patient K.W.'s first physical therapy treatments  
12 were three times per week for the first month and then twice per month for the  
13 following month.

14 B. In or about August, 2008, respondent developed an inappropriate personal  
15 relationship with patient K.W. On or about August 20, 2008, respondent and patient  
16 K.W. began texting each other romantic messages. They met at Starbucks.

17 C. At on or about the end of August, 2008, patient K.W. and her husband,  
18 R.W., went to Hawaii for vacation. On or about September 23, 2008, respondent  
19 wrote and sent patient K.W. a letter via UPS overnight delivery, addressed to patient  
20 K.W. in Hawaii. Respondent included a picture he drew of patient K.W., depicting  
21 her nude, from the back, and with a tattoo on her lower left back. Patient K.W.  
22 received respondent's handwritten letter and picture on or about September 24, 2008.

23 D. Respondent's letter to patient K.W. stated:

24 "I'm having a very hard time sending u this. But I rather you see it by  
25 yourself. Know I wish you were really there when I drew this. This is  
26 my best at this time. I'll practice more. You are so amazing. Hope u  
27 enjoy it. Love you, Victor."

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1 E. Despite his personal relationship with patient K.W., respondent did not  
2 sever his professional relationship nor did he refer her to a different physical therapist  
3 for treatment. Instead, he continued to provide physical therapy care and treatment to  
4 patient K.W. through about December, 2008.

5 F. On or about July 31, 2009, respondent was terminated from his position  
6 as a physical therapist at S.J. Center for Rehabilitation and Wellness, based on his  
7 inappropriate relationship with patient K.W.

8 **PRAYER**

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
10 and that following the hearing, the Physical Therapy Board of California issue a decision:

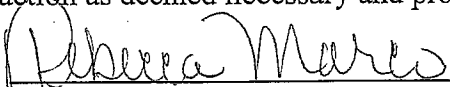
11 1. Revoking or suspending Physical Therapist License No. PT 34018, heretofore issued  
12 to respondent Victor Rusenescu, P.T.;

13 2. Revoking, suspending or denying approval of respondent Victor Rusenescu, P.T.  
14 from supervising physical therapy assistants;

15 3. Ordering respondent Victor Rusenescu, P.T. to pay the Physical Therapy Board of  
16 California the reasonable costs of the investigation and enforcement of this case, pursuant to  
17 Business and Professions Code section 2661.5; and

18 4. Taking such other and further action as deemed necessary and proper.

19 DATED: 11/03/2011

  
REBECCA MARCO  
Executive Officer  
Physical Therapy Board of California  
Department of Consumer Affairs  
State of California  
Complainant

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